Performance Partnership Agreement for Fiscal Year 2002

Between the New Hampshire Department of Environmental Services

and the U.S. Environmental Protection Agency New England

December 2001

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Performance Partnership Agreement for Fiscal Year 2002

State of New Hampshire
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ACKNOWLEDGMENTS

The goal of the National Environmental Performance Partnership System is to provide strong public health and environmental protection with the states and the U.S. Environmental Protection Agency working together for continuous gains in environmental quality and productivity. This is the fourth Performance Partnership Agreement between the New Hampshire Department of Environmental Services and the U.S. Environmental Protection Agency New England. This document was prepared by the Department's Performance Partnership Agreement and Senior Leadership Teams, as well as many other staff, in coordination with EPA New England. Their dedication to the substantial task of developing goals, objectives, and performance and environmental measures for New Hampshire, as well as to the negotiation process involved in reaching this agreement, is gratefully acknowledged.

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ADDITIONAL COPIES AND COMMENTS

Additional copies of this document may be obtained by contacting the New Hampshire Department of Environmental Services - Office of the Commissioner at (603) 271-8989 or the Public Information and Permitting Office at (603) 271-2975. An electronic version of this document can be viewed or downloaded from the Department's web site at http://www.des.state.nh.us/.

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AIR RESOURCES DIVISION

OFFICE OF THE COMMISSIONER

Performance Partnership Agreement
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Section I

DES's Mission, Principles, and Strategic Goals

New Hampshire Department of Environmental Services

MISSION STATEMENT

The mission of the Department of Environmental Services is to protect, maintain and enhance environmental quality and public health in New Hampshire.

GUIDING PRINCIPLES

Promote mutual respect and open, straightforward communication.

Strive to ensure timely, effective and consistent responses to all citizens.

Encourage and work hard to provide ample opportunity for public participation in all phases of the Department's responsibilities.

Consider the quality of life, health and safety, and concerns and aspirations of all our citizens while pursuing our responsibilities under the law.

Strive for excellence in all of the Department's operations, are committed to continuous improvement and consider innovative approaches.

Commit to scientifically and technically sound, cost effective and environmentally appropriate solutions.

Commit to providing leadership on environmental issues.

Consider the long-term and cumulative effects of our policies, programs and decisions.

Encourage, educate, and provide assistance to the public to act in ways that enhance environmental quality.

Effectively and fairly enforce against those who violate environmental laws.

Commit to providing equal opportunity and protection for all citizens, in the management of the agency as well as in the implementation of our programs.

DES STRATEGIC GOALS

1. Clean Air

The air we breathe in New Hampshire is safe and healthy for all citizens, including those most vulnerable, and our ecosystems free from the adverse impacts of air pollution.

2. Clean Water

All of New Hampshire's lakes and ponds, rivers and streams, coastal waters, groundwater, and wetlands are clean and support healthy ecosystems, provide habitats for a diversity of plant and animal life, and support appropriate uses. Further, that the long term and cumulative impacts of development, land use changes and water activities are well understood and well managed to minimize the impacts of human activities on our waters.

3. Safe Drinking Water

All drinking water in New Hampshire is safe, conservatively used, and available, whether groundwater or surface water.

4. Proper Waste Management & Effective Site Remediation

Materials that would otherwise enter the waste stream are reduced, reused and recycled to the maximum extent feasible, the waste stream is detoxified to reduce public health risk, and contaminated sites are reclaimed to reduce public health and environmental risks and restore them to productive uses.

5. Protection of Natural Habitat

To minimize the adverse impacts of human activities on uplands, wetlands, shorelands, lakes, rivers, estuaries and other sensitive habitats over which the Department has jurisdiction, and to protect terrestrial and aquatic habitat and biodiversity throughout the state.

6. Dam Safety and Water Management

All dams in New Hampshire are constructed, maintained, and operated in a safe manner. Lake levels, stream flows and the State's surface and groundwater resources are used efficiently and managed to protect environmental quality, enhance public safety and flood protection, and to support and balance a variety of social and ecological water needs.

7. Risk Management and Reduction

Activities that pose the greatest risks to our environment and public health and safety are identified, this information is made readily available to government, businesses and individuals, and this information is used along with other relevant information to develop and implement strategies for managing and reducing the risks.

8. Pollution Prevention

Every reasonable effort is made by government, businesses and individuals to prevent pollution before turning to recycling, treatment and/or disposal of the materials causing pollution. This means eliminating or reducing the toxicity and absolute volumes of waste materials, eliminating accidental pollutant releases to the environment, and conserving materials, energy and water.

9. Public Education, Outreach and Partnerships

To further the Department's mission through conducting effective public education, outreach, and partnership activities.

10. Compliance Assurance

The Department provides assistance, education, and outreach to the public to foster full compliance with the laws it is responsible for administering, monitors compliance on an ongoing basis, and it maintains a fair and effective enforcement process to serve as a credible deterrent to those who would violate the laws.

11. Information Management

Data, information and knowledge are collected, managed, analyzed and disseminated effectively and efficiently to support well-informed, timely and cost-effective environmental decision-making.

12. Effective Management and Leadership

The Department sets and achieves the highest quality standards for effective internal management, fiscal responsibility and strong leadership on environmental issues.

Performance Partnership Agreement
for Fiscal Year 2002

Section II

General Provisions

II. General Provisions

A. Scope

This document is the federal fiscal year 2002 Performance Partnership Agreement between the New Hampshire Department of Environmental Services (Department / DES) and the U.S. Environmental Protection Agency New England (EPA New England), and covers the period from October 1, 2001 to September 30, 2002. It is part of an ongoing cooperative effort between the Department, EPA New England, and various stakeholders to more clearly articulate environmental goals and priorities for New Hampshire, and to better focus available resources on achieving them. This Agreement is consistent with the principles embodied in the May 17, 1995 Agreement between Environmental Protection Agency and the Environmental Council of the States regarding a joint commitment to reform oversight and create a National Environmental Performance Partnership System (NEPPS).

The 2002 Performance Partnership Agreement sets forth the goals, activities, and measures of progress for the full range of cooperative state-federal environmental programs under the Department's jurisdiction, and includes all of the Department's non-federal programs as well. Thus, it represents a comprehensive work plan for all of DES's programs, in addition to serving as the work plan for the Department's fiscal year 2002 Performance Partnership Grant (submitted under separate cover) covering the following programs:

- Air Pollution Control - Clean Air Act - Section 105.
- Hazardous Waste Program - Resource Conservation and Recovery Act - Section 3011.
- Underground Storage Tank Program - Solid Waste Disposal Act - Section 9010.
- Public Water Supply Systems - Safe Drinking Water Act - Section 1443(a).
- Underground Injection Control Program - Safe Drinking Water Act - Section 1443(b).
- Water Pollution Control - Clean Water Act - Section 106.
- Nonpoint Source Management - Clean Water Act - Section 319.
- Water Quality Cooperative Agreements - Clean Water Act - Section 104(b)(3).
- Wetlands Program Development - Clean Water Act - Section 104(b)(3).
- Pollution Prevention Incentives for States Grant.

Other federally-funded and state-funded programs represented in this agreement are included for the purposes of providing to stakeholders a more comprehensive overview of the Department's efforts to protect the environment.

The New Hampshire Department of Environmental Services and EPA New England enter into this Performance Partnership Agreement for federal fiscal year 2002 as partners to implement the specific actions outlined in the Agreement within the limits of available resources. Further, the Department and EPA New England agree that this is intended to be a living document, and the senior leadership of the two agencies will maintain close communication throughout the Agreement period to discuss progress with implementation, and to consider the need for any modifications.

B. Principles

The New Hampshire Department of Environmental Services and EPA New England agree to the following principles to further our partnership approach to protecting New Hampshire's Environment and its citizens. Both agencies will:

- Continue to work as partners to build trust, openness, and cooperation.
- Manage our collective resources to meet the highest environmental needs in the state.
- Capitalize on each other's strengths and expertise.
- Communicate more frequently and openly between ourselves and others.

In addition, the Department and EPA New England support the following concepts that are reflected throughout this Agreement:

- Service to the public.
- Cooperation and coordination with other federal, state, and local government agencies.
- Clearly stated expectations.
- Activities that demonstrate environmental and/or public health improvements.

C. Context and the Performance Partnership Grant

The following table provides a summary of the financial resources – state, federal, and other – that were available in fiscal year 2001, and are similarly available for fiscal year 2002.

Summary of Fiscal Year 2001 Funds

Budget Category	*General Funds ($ in millions)*	*Federal Funds ($ in millions)*	*Other Funds ($ in millions)*	*Totals ($ in millions)*
Program Costs	10.2	12.3	19.2	41.7
Grants/Loans	19.2	23.3	20.6	63.1
Totals	**29.4**	**35.6**	**39.8**	**104.8**

As percentages, the federal EPA funds total 30 percent of all DES program costs (commonly referred to as operating costs), 37 percent of total grants and loans (for wastewater, drinking water, landfill closure and oil pollution control), and 34 percent of the total budget. Clearly, striving for continuous improvement in the application of EPA funds to the myriad of environmental issues in New Hampshire can have significant benefits.

In addition to working together to better focus limited financial resources on the most important priorities, EPA and the States have also been addressing ways to increase grant flexibility, reduce administrative oversight, and provide a better focus on environmental results. The May 17, 1995 agreement between EPA and the Environmental Council of the States that established the National Environmental Performance Partnership System put these concepts into action, and since that time, EPA has been successful in pushing legislation in Congress that authorized the grant flexibility for Performance Partnership Grants.

One of the advantages of a Performance Partnership Grant is the ability to look at the grant funds in total, and allocate specific funds as appropriate to the different programs and activities according to an assessment of state-specific needs and priorities. In the past, the Department received different grant awards for each program, and those funds were earmarked specifically for that program and could not be used for any other purposes. Now, the Department receives a single Performance Partnership Grant award - approximately $5.3 million in federal fiscal year 2001, and about the same in 2002 - that provides funding for a range of air quality, waste management and water quality programs, and the Department and EPA New England can agree to shift resources across the programs to reflect the needs and priorities set forth in the Performance Partnership Agreement. The Agreement is the single work plan, and the Grant is the single funding mechanism to implement the work plan.

Like many other states, DES has not yet fully tapped the potential benefits and flexibility of the Performance Partnership Grant as envisioned under the National Environmental Performance Partnership System. However, in the last few years, some administrative streamlining *has* taken place (e.g., less grant-related paperwork and reporting requirements for individual program/grant managers), and there *have* been real examples of Performance Partnership Grant funds being re-directed towards DES and EPA priorities that would not have been funded otherwise.

The examples below represent a current total reprogramming investment of over $800,000 on various projects and initiatives which would not have been possible without a department-wide perspective and Performance Partnership Grant carryover funds.

- Funding for several key positions related to mercury reduction and sprawl, instream flow, volunteer rivers assessment, dam removals and river restoration, environmental management systems and quality management planning, and Underground Storage Tank and Watershed-related program administration.

- Start-up and operation of a new “CAMNET” in New Hampshire as part of a regional network of outdoor digital camera sites.

- Funding for several summer intern positions that were crucial to the start-up of several important DES initiatives, including the 2000 State of the Environment Report, a new Dioxin Reduction

Strategy, a Municipal Information Database, Resource Conservation and Recovery Act Database and Geographic Information System Coverage, a study on municipal costs for environmental infrastructure services, and the development of natural resource surveys/management plans for DES-owned lands.

- Outreach and education associated with particulate matter and the New Hampshire Clean Air Strategy.

- Coverage of additional biomonitoring and chemical sampling program costs.

- Water-related sampling, monitoring, and analysis software and equipment.

- Purchase of a shellfish sampling boat for the Seacoast region.

- Funding to support the work of the New Hampshire Land and Community Heritage Commission, in particular, completion of its final recommendations report regarding the establishment of a statewide land protection program.

- Funding to support the habitat protection and conservation efforts of the Great Bay Resource Protection Partnership.

- Funding to support a contract with the Society for the Protection of New Hampshire Forests for the analysis of the natural resources and water quality related features within the source water protection areas of ten major water systems in New Hampshire.

Through the Performance Partnership Agreement and Grant, the Department has experienced increased communication between DES leadership, program managers, and financial staff, greater direct program manager access to accounting information, and improvements in its financial reporting systems. Each year, DES has become more effective at managing its many environmental programs within the Performance Partnership Grant environment. Department and EPA New England staff will continue to engage in productive and on-going discussions regarding state and federal priorities, as well to maintain an effective framework for looking at the net impacts of putting dollars to the most important priorities.

Although New Hampshire *has* experienced significant funding increases over the last several years in some federal programs (e.g., Water Pollution Control and Nonpoint Source Management, Sections 106 and 319 of the Clean Water Act, respectively), these have been largely offset by cost of living increases, additional pass-through funding requirements, prescriptive spending requirements (i.e., the extra funds must be spent on specific activities), additional program responsibilities (both state and federally driven), and state budget challenges (i.e., the inability to shift easily from federal to state funding sources). Over the last several years, the core Air and Waste Programs have had similar budget constraints without the benefits of a similar level of funding increases. In fact, the Hazardous Waste Program has remained flat funded, while funding for the Underground Storage Tank Program has actually been reduced. Overall, the net effect is that the flexibility envisioned within the Performance Partnership Grant environment is becoming increasingly more difficult to achieve. DES will continue to work cooperatively with EPA to ensure a level of funding and grant flexibility necessary to continue to protect, maintain, and enhance environmental quality and public health in New Hampshire and the Region.

D. Content and Format

Unlike the previous Performance Partnership Agreement, which spanned federal fiscal years 2000 and 2001, this Agreement will cover the one-year period October 1, 2001 through September 30, 2002. The decision to develop a one-year Agreement (versus the more conventional two-year Agreement utilized in past years) was driven by the Department's desire to create better alignment between: 1) Preparation of the next biennial state budget (state fiscal years 2004 and 2005); 2) development of future multi-year Performance Partnership Grants; 3) creation of the next two-year Performance Partnership Agreement; and 4) initiation of department-wide strategic planning, the last of which took place in the Winter/Spring of 1997/1998.

Producing a one-year federal fiscal year 2002 Agreement facilitates the start-up of new strategic planning activities in the Fall/Winter of 2001/2002. Based on this work, DES will begin preparation of the next Agreement (likely covering the two-year period 10/1/02 – 9/30/04) in the Spring/Summer of 2002, and will have a solid base from which to begin work later that same year on the state fiscal year 2004 – 2005 biennial budget.

By design, the federal fiscal year 2002 Performance Partnership Agreement is laid out a bit differently than the previous one, although it still contains mostly similar information on the Department's many programs, activities, and deliverables. The most significant changes to this new, one-year Agreement include:

- The number of DES/EPA Focal Points of Cooperation has been reduced (refer to Section III);

- The previous Focal Points list has now been renamed more appropriately as "DES Program Priorities." These represent those issues/program areas that have "bubbled up" through the three DES Divisions and the Office of the Commissioner as particularly important to watch in federal fiscal year 2002 (see Section IV);

- The federal fiscal year 2002 PPA is no longer organized by the twelve DES Strategic Goals. This reflects recent and ongoing work done to create functionality in a new Measures Tracking and Reporting System Database (described below, and in Sections III and V), which will allow for more accurate (and multiple) linking of programs, activities, and deliverables with their associated department-wide and division, bureau, and program-level goals and objectives; and

- This Agreement still includes many detailed work plan tables, but the number of unique DES programs has been increased, and more descriptive information on programs, activities, and deliverables has been provided (refer to Section V for more details). Unlike the last Agreement, the federal fiscal year 2002 tables were automatically and efficiently generated directly from the new database.

As indicated in the 2000 – 2001 Performance Partnership Agreement, DES committed to the development of a new database and support procedures to manage a comprehensive set of strategic, program-level, and environmental measures data across the Department. As a result of a year-long effort, DES now has its first, department-wide database tool specifically designed to help regularly

track, report, and analyze goals and objectives, program activities and deliverables, and output, outcome and environmental measures. The new system, the Measures Tracking and Reporting System or MTRS, takes advantage of, and pulls together the work of, several related activities, including:

- The mission, goals and objectives from the most recent strategic planning effort;

- A framework for connecting goals and objectives, programs, activities, milestones, environmental measures and needs/adjustments from the Performance Partnership Agreement;

- A set of several hundred output measures, outcome measures, and environmental indicators, covering the Department's complete range of environmental issues and programs, included in the Performance Partnership Agreement;

- A subset of more detailed measures developed for three programs as part of performance-based budget pilot project;

- The experience gained from participating in a multi-state work group to develop a guide for implementation of results-based management systems in environmental and natural resource agencies; and

- The identification of a measures tracking and reporting system as an essential element of the information management improvements included in the One Stop Program Implementation Plan.

The primary purpose of the MTRS is to facilitate the regularly tracking, reporting and use of the measures. The measures will provide information on environmental conditions and trends and on program performance. The MTRS is an Oracle database that allows DES to look at the measures in relation to such things as goals and objectives, activities, short-term deliverables and even budget information. The information generated by the MTRS can be used to improve reporting to the public on environmental quality and public health, and it can be used internally to better evaluate progress towards DES goals/objectives and to more accurately assess program effectiveness. More specifically, the MTRS will provide a tool to generate future – and better - State of the Environment Reports, Performance Partnership Agreements, strategic and operational plans, and reports to senior leadership.

Taken together, the many DES program tables (which are presented in full in Section V of this Agreement), describe, in detail, how the various available financial, human and technical resources will be used in New Hampshire during the new fiscal year to address the environmental quality issues of the greatest concern to the Department and EPA New England. To present a great deal of information in a readable and consistent format, the tabular format from the previous Agreement has largely been maintained to describe the elements of each program. Each table identifies the Department's major programs. For this Agreement, the number of unique programs has been expanded. As much as possible, the table headings represent a breakdown of the different functional activities (permitting, outreach, inspections, etc.) and not just a listing of organizational units, although in a number of cases the organizational units coincide well with the functions. For consistency, each table includes the following information:

Report "Run" Date And Time And Agreement Year: To ensure that only the most up-to-date report version is used.

Division/Bureau Designations: The Division and Bureau are clearly identified in the table headers to accurately place and associated related program, activity and deliverable information within the Department's organizational structure:

Funding: The source or sources of program funding are indicated by selecting the appropriate "check boxes" – State General, State Fees, Federal EPA, Federal Other, Grants. Ultimately, better direct linkage between programs/activities/deliverables and actual dollars is envisioned.

Programs Category: General organizational unit or broad functional responsibility. *Example:* Source Water Protection Program, *(Other programs include:* Stationary Source Program, Hazardous Waste Compliance Program, Wetlands Program).

Activities Category: The core functions of a program. *Example:* Drinking Water Source and Groundwater Protection, *(Other activities include:* Industrial Pretreatment Inspections, Rulemaking, Public Education and Outreach).

Deliverables Category: Specific, quantifiable work products to be delivered during a particular reporting period. In the case of the MTRS database, most deliverables will be established for a one-year time period, monitored on a quarterly basis. Deliverables can be established for a shorter time period than one year, (with a quarter as the minimum), but they are not normally established for a time period greater than one year. *Example:* Perform 2/3rds of source water assessments (3000) and waiver assessments (1200), *(Other deliverables include:* 30 hazardous waste generator inspections in federal fiscal year 2002, Establish methods to track the rates of compliance with environmental statutes and rules).

Program/Activity/Deliverable Short And Long Titles: The short and long titles have been included in this Agreement to allow audience to better understand the purpose and the intent of the various work commitments.

Activity/Deliverable Start And End Dates: Start and end dates have been utilized to identify current, operational activities and deliverables and to determine to with which Performance Partnership Agreement, the work is associated. Also, the deliverable start and end dates are essential to the Department's quarterly tracking and reporting goals.

Lead Person: With continuation of the activity-level contact person, and the addition of the DES Lead Person designation at the deliverable level, more accountability than ever has been built into the MTRS Database.

DES Goals: As with the last Agreement, all listed activities have been linked to one or more of the twelve Strategic Goals. These goals are more global in nature. They are the environmental goals for New Hampshire that the DES has established through their 1997/1998 strategic planning as being of the utmost importance and priority. *Example:* Safe Drinking Water. While the federal fiscal year 2002 Agreement has not been specifically arranged around these twelve goes (as with the 2000-2001

Agreement), the MTRS was designed to handle multiple goals linkages, and as a result, can generate goal reports under which all related activities can now be accurately organized. **Note:** During the next phase of database development, more emphasis will be placed on inputting and linking activities and deliverables to division, bureau, and program-level goals and objectives.

Outputs: Specific, verifiable and measurable targets for program deliverables. Each output must have a corresponding deliverable (and each deliverable must have a corresponding output). *Example:* Number of source water and waiver assessments performed *(Other outputs include:* Number of compliance letters issued to hazardous waste generators, Number of pre-application meetings requested & held regarding specific projects).

Outcomes: Specific, verifiable and measurable results of environmental program activities that represent a change in the behavior of businesses, governmental agencies or the general public, as a result of certain program activities and deliverables. *Example:* Percentage of total drinking water sources that have implemented Source Water Protection Programs, *(Other outcomes include:* Amount of used oil collected by participating communities, MtBE groundwater contamination reduced).

Environmental Indicators: Specific, verifiable and measurable trends documenting environmental and/or public health conditions. *Example:* Number of community water systems implementing a multi-barrier approach, *(Other environmental indicators include:* Number of acres of estuarine waters open for recreational shellfish harvesting, Reductions in spills from regulated tanks compared to the previous year).

Performance Partnership Agreement
for Fiscal Year 2002

Section III

DES / EPA New England
Focal Points of Cooperation

III. DES/EPA New England Focal Points of Cooperation

Introduction

The New Hampshire Department of Environmental Services and EPA New England have jointly identified three Focal Points of Cooperation that both agencies agree to focus extra attention on over the next one to two years. By definition, these focal points would include those challenging issues/program areas on which both agencies would like to see significant progress made, and towards which additional staff and financial resources would be directed, as feasible.

These new Focal Points of Cooperation include: 1) Environmental Measures; 2) Quality Assurance; and 3) Public Participation. Gains made in federal fiscal year 2002 in these three areas will have substantial impact on how DES tracks the environmental progress of its many programs and activities, how it gets the public involved in its priority-setting processes, and how it can assure the quality and credibility of the extensive environmental data used for decision making.

In order to maintain an appropriate level of attention on these three Focal Points of Cooperation, and also to gain the greatest benefits of a cooperative, problem-solving approach, close communication between both agencies will be necessary. As such, appropriate staff from the two organizations will meet early in federal fiscal year 2002 (prior to December 2001) to further define each focal point and to develop/review an "Action Plan" for working on them. This "Action Plan" would include measurable objectives in order to evaluate progress in a meaningful way, as well as a point of contact in each agency. It should be noted that the detailed program table for the Planning Unit, within the Office of the Commissioner (included in Section V of this Agreement) already includes specific deliverables/action items associated with each of the Focal Points of Cooperation described below.

Measuring Environmental Results

As a result of significant management commitment and staff effort over the past two years, DES successfully implemented its first, Department-wide Oracle database, the Measures Tracking and Reporting System (MTRS). The MTRS database was specifically designed to house, and link, DES's Goals and Objectives **("Where we are going" - the Strategic Plan)**, to all program, activity and deliverable information **("How we will get there" - the Comprehensive Action and Assessment Plan" or Workplan)**, which are further linked to all outputs, outcomes, and environmental indicators **("How we determine our progress" - the Measures).** Note: Please refer to Section II D – "Content and Format" for definitions associated with the above-referenced terms).

A key feature of the MTRS is the "live" reporting function for outputs, outcomes and environmental indicators. The system is specially designed to track outputs on a quarterly basis, with outcome measures and environmental indicators (once they have been adequately developed and staff accountabilities assigned as a result this Focal Point of Cooperation), to be tracked annually. Quarterly and annual tracking aside, Phase I of the MTRS database project, (i.e., designing, beta-testing, de-bugging, providing staff training and database access, and entering the "core" Program, Activity, and Deliverable information) has essentially been completed. Currently, fine-tuning of the database is being wrapped up, and additional reporting functions are being added.

Phase II, which is the focus of this Focal Point of Cooperation, will involve the development of a set of "key" program outcome and environmental indicator measures that DES will commit to track and report on to a variety of audiences and for a number of purposes, as follows:

- Tracking environmental conditions and trends;
- Reporting to the public on key environmental indicators (in the form of a "New Hampshire State of the Environment 2001" (to be completed by Spring/Summer 2002);
- Evaluating program performance;
- Informing priority-setting and resource allocation decisions; and
- Reporting to the Governor's Office and the Legislature as part of the Performance-Based Budget pilot.

For federal fiscal year 2002, DES and EPA New England agree to work cooperatively towards the overall goal of creating a concise set of program outcome measures and environmental indicators for New Hampshire. Specifically, EPA New England staff will work with the Measures Database Development Team to develop, and carry out, a process for effectively engaging DES staff in discussions on appropriate outcome measures and environmental indicators for their program areas. As part of this cooperative effort, DES and EPA New England may choose to pilot some areas for improving environmental measurement, (e.g., Drinking Water, Habitat Protection, Mercury, etc). DES and EPA New England might also evaluate overall efforts to improve ambient monitoring in all media for the purposes of utilizing, managing, and tracking environmental results, sharing environmental data, making better decisions, and allocating resources in a more informed, real-time manner. At a meeting held on 9/19/01, EPA New England and DES discussed the feasibility of having an EPA New England staff person temporarily assigned to work directly with DES. The details regarding direct and indirect EPA New England staff assistance will be worked out early in federal fiscal year 2002.

DES's Quality Management Plan

The mission of the New Hampshire Department of Environmental Services is to protect, maintain and enhance environmental quality and public health in New Hampshire. In carrying out its mission, DES relies upon many different types of data that enable it to better evaluate and measure existing

environmental conditions, to identify and understand areas of concern, to assign responsibility for these areas, and to promote and enhance credible communication on environmental issues to a wide variety of audiences.

The data DES directly and indirectly generates and uses must be credible, and the quality of that data must be appropriate for its intended purposes. The Department, through its Quality Assurance System, is moving towards a more systematic approach to the management of data and overall quality assurance issues across DES. To accomplish this, every DES staff member must understand how his or her activities affect data quality issues, and all staff must know what they have to do to help produce quality data. This is best achieved by having a central documented plan, which is periodically reviewed and updated so that the overall data quality system continuously improves. Implementation of the DES Quality Management Plan is the responsibility of staff throughout the Department, with the guidance and support of the DES Senior Leadership Team, the Quality Assurance Manager and Quality Assurance Team, as well as program managers.

The DES Quality Assurance System consists of the people, functions, tools and procedures used to improve and assure the quality of data generated for data users and decision-makers. The DES quality system encompasses, and is applicable to, all aspects of its environmental data operations. The Quality Management Plan, and the complementary Implementation Guidance, are the main documents at DES to ensure that environmental programs (whether they are located within DES, or are working with DES programs under a variety of arrangements including those on a contractual or volunteer basis), produce the type and quality of results needed and expected, in particular, that all environmental data collected, generated and used will be scientifically valid; of known precision and accuracy, completeness, representativeness, and comparability; and legally defensible. Because DES interacts with many federal, state, and local government agencies, environmental groups, universities, volunteer groups, and many other organizations in order to maximize efforts to protect and enhance public health and the environment in the state, the Quality Management Plan also includes guidance on assuring that data generated by these outside parties meet DES's data needs.

This Focal Point of Cooperation includes all aspects of implementation of the new DES Quality Assurance System. With an EPA New England-approved DES Quality Management Plan (version 6/13/01), on-going Quality Assurance Team meetings, participation in a Regional Quality Assurance Roundtable, a recently completed Quality Assurance System Implementation Guidance Document, a Quality Assurance System and Quality Assurance Project Plan Tracking Database, and up-to-date Quality Assurance Project Plan inventory and development activities, DES is well positioned to implement its first, department-wide Quality Assurance System.

Creating a living Quality Assurance System which includes continuous improvement at its core will not simply "happen," despite the significant work accomplished to date. DES and EPA New England recognize that the effective implementation and operation of the new Quality Assurance System will require an on-going, concerted effort between both agencies, and the focusing of additional resources.

Continuous Improvement In Public Participation

One of the key principles of the National Environmental Performance Partnership System is effective public involvement in establishing goals and priorities for state environmental programs. This is very consistent with the Department's guiding principles, as well as its "Public Participation Policy," which was adopted in December 2000. DES's public participation goals are as follows:

- DES will actively solicit public input and will consider the views of the agency's stakeholders and the general public in making decisions;

- DES will strive to ensure fair and equitable treatment of all New Hampshire citizens as it invites public participation in the implementation of state environmental statutes, rules, programs, and policies;

- In order to provide the opportunity for meaningful input, stakeholders will be brought into the process as early as possible;

- DES will, to the extent possible, provide data and analysis in a timely manner and in an understandable format to enhance the ability of stakeholders to participate constructively in the issue or issues under consideration;

- DES will respond in a complete and timely manner to requests under the N.H. Right to Know Law (RSA 91-A); and

- This policy will be consistently incorporated into the Department's programs, and DES will strive to ensure that every DES employee understands and shares responsibility for the implementation of this policy.

Overall, DES welcomes public participation in agency actions and discussions, and is committed to ensuring that active and comprehensive public participation activities be carried out during the development and implementation of all DES programs. Public participation, therefore, plays a fundamental role in program operations, planning activities, and decision-making within the Department.

The Department's Public Information and Permitting Unit serves as a key agency resource by: 1) overseeing education and outreach efforts across DES; 2) coordinating DES's numerous permit programs for major projects; 3) offering quality control services for all documents that are intended for the public; and 4) maintaining a library of DES publications which are disseminated to customers who visit DES, as well as to customers who request information by mail, e-mail, or telephone.

As a general rule, most programs at DES take full advantage of an extensive suite of education and outreach tools available to them in the form of one-on-one interaction, meetings, public hearings, conferences and workshops, brochures, facts sheets, reports, information packets, press releases, newsletters, radio spots, presentations, volunteer activities, cooperative and special initiatives, educational programs geared to schools, toll-free information hotlines, and electronic outreach and e-mail access via the DES website.

As described in the last Performance Partnership Agreement (covering federal fiscal years 2000 - 2001), DES is especially effective at informing its stakeholders through public education and outreach via informational vehicles which emphasize getting information to interested parties on issues or topics of a more defined, media-specific nature. This is largely accomplished by the Public Information and Permitting Unit and DES programs through the tools listed above, as well as by utilizing specific DES councils, boards, advisory committees and workgroups.

In federal fiscal year 2002, DES staff will devote attention to developing more effective ways to encourage public participation and gather information from interested parties through intentional, two-way dialogue and building the necessary in-house capacity to make effective public participation a reality. Specifically, DES will improve in the area of disseminating information and obtaining feedback on issues/topics that are of a more strategic, multi-media, or "big picture" nature – (i.e., those having to do with the setting of department or state-wide environmental and/or public health priorities), and having this important information available at critical points in various decision-making processes (DES Strategic Planning, which is scheduled to begin this Fall/Winter 2001, Performance Partnership Agreements, and state and federal budgeting exercises). DES is interested in improving its organizational "listening skills," as well as providing better access (electronic and otherwise) to the general public and the more "formal" stakeholder groups represented by official councils/boards, government agencies, academic institutions, trade associations, businesses, various non-governmental organizations.

In the 2000-2001 Agreement, DES outlined four main areas, where it wanted to see some progress made. These improvement areas included: 1) The Department's website; 2) Better communications with DES's many existing stakeholder groups; 3) Conducting "in-reach" for DES staff; and 4) Going "on the road" to work more directly with interested parties.

Since then, there is good progress to report on many public participation fronts. One excellent example of work accomplished, in addition to completing (and posting on-line) its draft "Public Participation Policy," is the DES's "new and improved" DES website. Under the direction of the DES Outreach Committee, and the newly-created DES Website Editorial Board, the entire DES website has now been completely re-designed with public access clearly in mind. It is easy to navigate, contains a great deal more program information than in the previous version, and allows for substantial direct staff access on all program areas or issues.

In the Winter/Spring 2001, a Public Participation Workgroup was created to develop recommendations on how to make additional progress. After careful consideration of original strategic planning work, the new DES Public Participation Policy, the results of an extensive Stakeholder Report, commitments from the 2000-2001 Agreement, and comments received at previous stakeholder events, the workgroup made the following recommendations:

- Full Implementation of Public Participation Policy and Follow-Up Protocols for Public Participation Events;
- Commissioning a Public Opinion Poll;
- Creating an Environmental Quality Panel;
- Conducting "Listening" Sessions;

- Carrying out Additional Web Site Development;
- Directly Managing an in-house DES Mailing List (versus a separate Agency);
- Sponsoring a Regular Environmental Forum or Summit; and perhaps most important,
- Building an Adequate Infrastructure to Carry out Effective Public Participation.

As with Environmental Measures, in federal fiscal year 2002, DES and EPA New England agree to work together to further explore the issue of public participation, to come up with a plan to help build the necessary in-house capacity for effective public participation, and reach a goal of implementing at least three of the above-referenced Public Participation Workgroup recommendations this year. Working cooperatively, DES and EPA will reach out to the other five New England environmental agencies to ascertain what has worked, and what has not, in the public participation arena. It is hoped that direct or indirect EPA assistance will be provided to DES during the fiscal year to aid in their work. The details regarding EPA New England staff assistance will be finalized early in federal fiscal year 2002.

Performance Partnership Agreement
for Fiscal Year 2002

Section IV

DES Program Priorities

IV. DES Program Priorities

Given the Department's broad mission to "protect, maintain and enhance environmental quality and public health in New Hampshire," and the significance of the work DES staff must accomplish each year, it is no small task to identify a concise listing of DES priorities. In many ways, all that DES does – in offering education, outreach, and technical/compliance assistance services, conducting environmental monitoring and sampling, performing technical and policy research, drafting legislation and rulemaking, permitting and mitigating environmental impacts, carrying out inspections, enforcing, when necessary, the rules and regulations set up to protect the environment and public health, and providing grants and loans to help its environmental partners -- is essential to meeting its lofty mission.

Despite this challenge, DES has identified the following listing of key priority areas to watch for federal fiscal year 2002, and beyond. The list is in alphabetical order. It should be emphasized that exclusion of a particular issue or program area from this priority listing does not constitute a "low-priority" designation, nor should it be construed to mean that work is not being accomplished in that particular area. All "core" DES services, as listed above, are ongoing and essential to an effective functioning agency charged with protecting the environment and public health in the State.

Please refer to the detailed program tables in Section V of this Agreement for any information on these and other DES programs and services not specifically included in the federal fiscal year 2002 DES Program Priority list to follow. An electronic version of the 2002 Performance Partnership Agreement (in .pdf format) is located on DES's website: http://www.des.state.nh.us. To locate a specific program, activity, deliverable, or contact person, please use the DES website's main search engine function or the find feature of the Adobe Acrobat Reader software.

Acid Rain - *(Contacts: Tom Noel, Kathy Brockett)*

Acid rain is largely due to sulfates and nitrates formed from sulfur dioxide (SO_2) and nitrogen oxide (NOx) emissions. Significant reductions in emissions of sulfur dioxide (SO_2) and nitrogen oxides have taken place in New Hampshire and nationwide as a result of the Clean Air Act. However, despite these reductions, there is evidence that acid rain continues to degrade ecosystems in high-elevation forests and waters in the northeastern U.S. and eastern Canada. Observations from Hubbard Brook Experimental Forest in West Thornton, New Hampshire, show that although sulfate levels in stream water have decreased since 1963, there has been little improvement in acid levels in rain, snow and stream water at Hubbard Brook. EPA New England has concluded that additional reductions of SO_2 and NOx may be needed just to prevent further acidification of lakes in areas like the Adirondacks.

New Hampshire has been an active participant in developing and implementing a regional Acid Rain Action Plan, initiated in 1997 as a joint effort of the New England Governors and Eastern Canadian Premiers. New Hampshire will continue to be involved in implementing the Action Plan activities that include:

- Technical workgroups to develop and implement plans for establishing a regional surface water quality monitoring program, fine particulate ambient air monitoring networks, and a regional forest sensitivity mapping project. Significant progress was made during federal fiscal year 2000 and 2001 on installation of a regional fine particulate matter monitoring network and implementation of the Forest Sensitivity Mapping Project to determine the critical thresholds for forest soil acidification in Northeastern Canada and United States.

- Encouraging EPA New England to adopt a new Phase III of the federal Acid Rain Program requiring additional SO_2 reductions by the year 2010, and additional NOx reductions by the year 2007 on an annual basis, not seasonal basis.

- Development of public information materials and an outreach campaign advocating the continued relevancy of emissions reductions and the critical nature of acid rain. A public opinion survey on acid rain was conducted during 2000 and the Communications Plan was revised to reflect the results of the survey. Materials developed during federal fiscal year 2000 and 2001 include a logo, graphic identity, internal website, and user-friendly progress report. A major health conference is planned for the spring of 2002 to emphasize and inform interested parties on the connection between public health and the pollutants associated with acid rain formation.

In addition to supporting regional efforts to address the acid rain problem, New Hampshire developed a Clean Power Strategy in January 2001 to reduce emissions of multiple pollutants from fossil fuel fired power plants. The new strategy calls for reductions in acid rain forming emissions of sulfur dioxide and nitrogen oxides, mercury and carbon dioxide. Under the new strategy, the state's three fossil-fuel power plants will have five years to reduce emissions of sulfur dioxide by 75 percent and nitrogen oxides by 70 percent. Legislation to implement the Clean Power Strategy was introduced and debated during the 2001 legislative session. Efforts to advance the Clean Power Strategy through legislation and/or rulemaking will continue during 2001 and 2002.

Brownfields Program - *(Contact: Michael Wimsatt)*

DES's Brownfields Program uses a variety of initiatives to leverage private investment in brownfields cleanup and redevelopment. These initiatives include the NH Brownfields Covenant Program, which provides liability protections for developers who voluntarily investigate and cleanup sites, as well as several EPA funded initiatives. DES is currently administering a Brownfields Assessment Pilot grant and Targeted Brownfields Assessment funds channeled through the MSCA grant. These grants are utilized to perform site investigation and cleanup planning services to municipalities for selected sites. DES is also establishing a Brownfields Cleanup Revolving Loan Fund utilizing a $2.45 million EPA grant, and hopes to obligate its first loan by the beginning of 2002. Collectively, these efforts help to revitalize communities and deter sprawl, by keeping jobs and services in our downtown areas. Further, they protect greenspace areas from being consumed by new development. In the face of a looming recession, DES believes that brownfields revitalization efforts are now more important than ever. The economic stimulus provided by successful brownfields redevelopment will be a critical element of New Hampshire's efforts to protect our region from the adverse human and environmental effects of a declining economy.

Children's Health Initiative - *(Contact: Rick Rumba)*

Children are often more at risk to contaminants in the environment than adults are. They breathe more air, drink more water, and eat more food pound for pound than adults. Their behavior, such as playing close to the ground and hand-to-mouth activity, increase their exposure to environmental pollutants. In addition, their bodies are still developing, and as such are less able to metabolize, detoxify and excrete these pollutants. Protecting children's health by minimizing exposure to environmental contaminants is a major concern for DES, and we are working to address this issue through our *Children's Health Initiative*.

Environmental risks to children include air pollution that exacerbates asthma and respiratory disease, contaminants and treatment-resistant microbes in drinking water, and persistent chemicals that can lead to cancer or cause developmental and reproductive problems. DES has been working to reduce these risks to children through programs such as the Mercury, Dioxin and PBT Reduction Strategies, our groundwater and drinking water protection initiatives, our work with local and regional groups to address asthma and reduce exposure to air pollutants that exacerbate asthma, and our involvement in the NH Legislative Commissions to Study the Relationship Between Public Health and the Environment. In addition, DES works closely with our colleagues at the New Hampshire Department of Health and Human Services (DHHS) on issues involving the environment and public health.

Current DES projects that are being conducted as part of the *Children's Health Initiative* include:

- DES is working with the Manchester Health Department to implement a pilot project examining the role of indoor and outdoor air pollutants in asthma prevalence among urban school children.

- DES has been actively working with the New England Regional Asthma Coordinating Council as well as the Environmental Council of the States (ECOS) and the Association of State and Territorial Health Officials (ASTHO) to develop strategies to reduce environmental factors that impact asthma in children.

- DES is working with several school districts and school transportation providers to limit children's exposure to diesel exhaust by restricting school bus idling on school property.

- DES worked in conjunction with DHHS to provide technical support for implementing a water fluoridation program for the City of Manchester to help improve children's dental health.

- DES is participating in the workgroup to help educate the public regarding mercury contamination and the fish consumption advisory issued by DHHS.

DES is committed to providing a safe and healthy environment for all New Hampshire citizens, and the *Children's Health Initiative*, will continue to allow us to focus many of our efforts on the most vulnerable members of our population.

Climate Change - *(Contacts: Joanne Morin, Kent Finemore)*

Global Climate Change is a pressing, impending environmental concern both locally and globally. Scientific data shows that the current concentration of carbon dioxide (a significant greenhouse gas) in the earth's atmosphere is higher than at anytime in the past 150,000 years. The ten warmest years on record have occurred in the past fifteen years. New Hampshire is participating in state, regional, national, and international activities to address the issue of global climate change. New Hampshire's approach involves partnering with EPA New England and other interested parties and includes activities such as:

- Updates of the NH Greenhouse Gas Inventory for 1993, and including data for 1990 and 1999.
- The release of a study of climate change and what New Hampshire can do to help mitigate its contribution, entitled "The Climate Change Challenge – Actions New Hampshire Can Take to Reduce Greenhouse Gas Emissions."
- Outreach to a wide array of policy makers and climate change stakeholders, including NH state legislators, the NH ski industry, the NH maple sugar industry, numerous K-12 educational groups, and all energy consumers.
- Outreach at the local level on the science of global climate change and the potential future impacts of climate change to New Hampshire water and forest resources.
- Enhancement of DES's Global Climate Change web page.
- A voluntary greenhouse gas reduction registry to help ensure that NH entities making greenhouse gas reductions today receive credit in future federal trading systems.

Combined Sewer Overflows - *(Contact: George Berlandi)*

One of the water quality challenges facing New Hampshire is the problem of combined sewer overflows (CSO). The Department will work with EPA New England to advance the control of CSO discharges in Berlin, Exeter, Lebanon, Manchester, Nashua and Portsmouth, and in particular to continue to assist in the development of Manchester's alternative projects initiative.

Berlin: Berlin's sewer system was supposed to be a separated system when constructed. It has one CSO that is an overflow to the main pump station. The City is presently in the process of selecting an engineer to undertake a comprehensive evaluation of the wastewater treatment facility, the Watson Road Pump Station, and the combined sewer overflow program. This study will include an implementation schedule for resolving the City's remaining CSO.

Exeter: In the 1980s the Town of Exeter separated the majority of its combined system. A small portion of the Town was still combined and used to overflow to a manmade pond which provided some treatment (settling) prior to discharge to the Squamscott River. The Town has separated the remaining portion of their combined system that should eliminate this CSO. The Town will continue to monitor this outfall.

Manchester: In 1999, DES and EPA New England successfully negotiated a Compliance Order with the City which will eliminate approximately half of the City's CSOs over 10 years. The Order includes a supplemental agreement which requires the City to spend an additional $5.6 million on high-value environmental and public health projects, including land preservation, stormwater management, erosion control, restoration of urban ponds, and environmental education.

Nashua: In 1999, DES and EPA New England successfully negotiated an Administrative Order with the City which requires the City to eliminate (by separation) its nine CSOs over the next 20 years. The City has already spent over $6 million, separating over 4 miles of combined sewer. DES and EPA New England continue to review progress reports to ensure this project stays on schedule.

Lebanon: The City has submitted a draft Long Term CSO Control Plan which DES and EPA New England are reviewing. The Long Term CSO Control Plan was approved and EPA New England issued an Administrative Order with a schedule to implement the agreed upon recommended plan in June of 2000. The City will eliminate six of its CSOs by the year 2008 and submit a report by December 31, 2005 which will detail the remaining steps needed to separate the stormwater sources from the remaining outfalls. It is expected that these separation projects will be completed by December 31, 2012.

Portsmouth: Portsmouth has been under an EPA New England Consent Decree for approximately 10 years. In 1991 the City submitted a draft Long Term CSO Control Plan which for various reasons was never approved. Since 1991, the City has been gradually making improvements (including separation) to the combined system which should reduce the volume of CSO discharges. The City proposes to continue with partial separation over the next few years. They then plan to monitor the CSOs and update their long term CSO Facility Plan. They would like to amend and update the existing Consent Decree. DES will assist EPA New England with revisions to the Consent Decree and with monitoring the CSOs efforts. The City has submitted a Draft Workplan for the Combined Sewer Overflow Long Term Control Plan and joint comments from DES and EPA were sent to them on May 18, 2000. The City's Long Term Control Plan is scheduled to be completed by January 2002.

Drinking Water Supply Protection and Emergency Response - *(Contacts: Tony Giunta, Bernie Lucey)*

Rules Implementation: many new rules are scheduled to take affect this coming year. A major emphasis within our Monitoring and Enforcement Section will be geared to managing the extra workload associated with implementation of these rules. For instance:

Arsenic: - In January 2001, EPA appeared to have reduced the maximum contaminant level (MCL) for arsenic in drinking water from 50 ppb to 10 ppb. This standard will apply to community and non-transient, non-community public water systems. In mid-March, EPA took action to prevent the finalization of this new federal standard until a further scientific review is completed. In mid-February 2001, DES started rule-making to change the New Hampshire drinking water arsenic MCL from 50 ppb to 10 ppb. Anticipated adoption date of this state MCL is February 2002.

In New Hampshire, approximately three percent of bedrock wells exceed the MCL of 50 ppb, and approximately thirteen percent exceed the level of 10 ppb. This standard, if revised to 10 ppb, would require approximately 100 public water systems to add arsenic treatment or take other action.

Radon: - Finalization of the radon rule will have a significant impact on NH. There is no current radon maximum contaminant level (MCL). The proposed rule is likely to establish two numerical standards; one called the MCL set at 300 pCi/L and a second called the alternative MCL (AMCL) set at 4,000 pCi/L. In NH the exceedance rate for public water systems for the MCL and AMCL will be 95% and 30% respectively. The radon rule is expected to be promulgated by summer of 2002.

In preparation for implementation of the radon rule, DES has been very active relative to lay citizen outreach and technical preparation. The DES staff has developed two educational documents relative to radon gas, "Radon in Air and Drinking Water" and "Suggested Installation Practices for Radon Aerators". In addition, DES staff member is on the American Water Works Association's national Technical Advisory Workgroup (TAW) for radon. Finally the DES staff has been devoting significant emphasis to radon treatment at the public water supply (PWS) trade show held in late October each year. Finally, the program has made significant implementation progress with approximately 50 radon gas aerators currently installed at NH PWSs.

Disinfection by Products (DBP): large community systems will begin monitoring their distribution systems for DBP's on or before January 2002.

Radionuclides: again, all community systems are required to begin monitoring for radionuclides by January 2001.

Emergency Response: The events of September 11, 2001 will have everlasting effects in the way we all look at the safety of America's drinking water supply. Already efforts are under way to improve security in and around our drinking water supplies and suppliers. It appears, over the next year, an enormous amount of manpower will be devoted to strategizing a systematic way of improving security and reliability. The Water Supply Engineering Bureau intends to play a significant role in directing efforts, statewide, to improve security.

Private Wells Strategy: - The private well strategy is a non-regulatory outreach program to inform citizens of the state of the importance of testing their private well for a more meaningful short list of contaminant parameters, and at greater frequency, than has been common in the past. We intend to partner with Regional efforts to increase and improve this program of citizen education with regards to their own personal water supply quality.

Environmental Equity - *(Contacts: Philip O'Brien, Pamela Monroe)*

EPA defines Environmental Equity as the "fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies." There is a body of evidence which suggests that, in certain instances around the country, minority and lower income citizens/neighborhoods/communities have faced an inequitable share of the risks associated with environmental hazards.

DES is committed to the Environmental Equity ethic and believes that no segment of the population should bear a disproportionate share of the risks and consequences of environmental pollution, or be denied access to environmental benefits. To this end, DES was the first state environmental agency

in the nation to adopt an Environmental Equity Policy, along with a five-point Implementation Strategy. The following statement is taken from the Department's September 1994 Environmental Equity Policy:

> *"The NH Department of Environmental Services will, within its authority ensure fair and equitable treatment of all New Hampshire citizens in the implementation of federal and state environmental laws, rules, programs, and policies."*

The overall DES approach of implementing this policy is to work to incorporate Environmental Equity considerations - in context with other key factors such as environmental risk - into all applicable decisions and actions. DES's Waste Management Division Director remains active through his participation in Environmental Equity workgroups. Past DES Commissioner Varney has been recognized as a national leader on Environmental Equity issues and is a member of the National Environmental Justice Advisory Council. DES continues to monitor Environmental Equity cases throughout the country for any findings applicable to New Hampshire.

Currently, DES is in the process of reviewing ways to improve its Environmental Equity efforts, including re-distributing the policy to staff, providing new training opportunities, updating written guidance, incorporating Environmental Equity Policy into appropriate workplans and grant applications, and reviewing and incorporating as appropriate, elements of EPA's Environmental Equity Guidance documents.

Environmental Management Systems and Performance Track - *(Contact: Robert Minicucci)*

An Environmental Management System (EMS) is a comprehensive, organized and documented system aimed at achieving full control over, and maximum performance in, an organization's environmental affairs. A growing number of companies in the US and around the world are using EMSs to improve their environmental and economic performance, representing a major change from past practices of "delay, deny, and litigate." There are several interrelated issues for DES that can be addressed by focusing on EMSs as a tool:

- The need to manage environmental problems previously not addressed to have an impact beyond the current set of regulations and regulated areas;
- The desire to obtain, somehow, environmental performance beyond the regulatory minimums;
- The perception that the command-and-control regulatory system may not be able to adequately address certain problems not contemplated by of the existing regulatory system, at least not as the only tool available for all parties;
- The agencies' resource limitations; and,
- A desire to use a systems approach to pull all environmental management efforts into a cohesive and holistic package, while at the same time there is a new systematic management tool for environmental affairs.

The Performance Track concept is to offer incentives to companies that use EMSs to effectively manage their environmental performance beyond the regulatory limits. In general, the intent is to recognize good performers and to allow an organization the ability to *earn* its way into a more desirable relationship with the environmental agencies. A relationship of collaborative problem solving with appropriate trust is developed.

Exotic Aquatic Species - *(Contact: Amy Smagula)*

Infestations of exotic plants are now documented in just over 50 of our 950 waterbodies, and appear to be spreading at a rate of 3-5 lakes per year. A total of 45 waterbodies (including Winnipesaukee, Winnisquam, Squam Lakes, and Lake Sunapee) now have variable milfoil, one river has water chestnut, two lakes have Eurasian milfoil, and six lakes have fanwort. Excessive growth of milfoil and other exotics can impair fishing and swimming uses, and disrupt the ecological balance of affected waterbodies.

Because there are no effective means of permanent exotics eradication, New Hampshire is placing an emphasis on education and support of watershed-based prevention and early detection. In 1998, New Hampshire was one of the first states in the nation to enact legislation prohibiting the sale, introduction, purchase, propagation, and transport of invasive aquatic plants, and imposing fines for violations. Placing and maintaining educational materials at public boat access locations, town halls, and marinas has also become an important component of taking a proactive and preventative approach to milfoil management. Since 1989, DES has implemented a volunteer "Weed Watcher Program" that utilizes trained lake residents to regularly monitor their waterbodies for any new or suspected exotic plant growth. Volunteers in this program have successfully headed off several potentially large infestations at a number of lakes. Our goal is to annually train volunteers for participating lakes, and to expand the number of lakes with weed watcher organizations.

DES also sponsors and funds upwards of twenty management practices annually, including hand-pulling, establishing Restricted Use Areas (cordoning off an area to boat and recreational uses) near infestations, harvesting, laying mats over infested areas, and chemical management. If an infestation is detected early, hand pulling can result in eradication. Coupling this with the establishment of a Restricted Use Area can be effective control for the waterbody. Recent rule changes expand our ability to create Restricted Use Areas, in cooperation with NH Fish & Game and the Department of Safety.

A new and innovative approach that DES plans to pursue in federal fiscal year 2002 is the use of genetics research to better understand the plant and to identify the species through the development of a genetic sequencing (right now the only way to identify the plant is when it is in flower, yet it does not produce a flower each season). The ultimate goal is to introduce a species-specific genetic weakness to the New Hampshire milfoil population that will help biologists to better manage or someday eradicate variable milfoil. We are currently cooperating with the NH Lakes Association on a legislative proposal to increase funding to the NHDES Exotic Species Program for such research, as well as to develop a larger funding source for assisting lake associations in management practices.

Hazardous Waste Compliance - *(Contacts: John Duclos, Kenneth Marschner)*

The Hazardous Waste Program under Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA-C) is unique in that congress specifically legislated that the program, once authorized to the states, will act in lieu of the federal program. Essentially, EPA acts as an agent of an "authorized" state and enforces the state's Hazardous Waste Rules. With this now, "state lead responsibility" comes the ongoing need to continuously evaluate the effectiveness of the program and change with emerging trends to better protect the public's health and the environment. Currently, New Hampshire regulates a total of 5,349 hazardous waste generators. The strategy for the hazardous waste program will include improvements to the education, compliance assistance, and inspection and enforcement components of the program. New Hampshire plans to: develop a hazardous waste manager certification process for large quantity generators; develop a self-certification of compliance process for small quantity generators; increase the number of compliance assistance seminars offered by the state, develop compliance assistance manuals; and increase the number of inspections at large quantity generators, and at the small quantity generators located in the wellhead protection areas of the state. To measure program performance, an emerging trend will be to develop a statistically valid compliance rate of our regulated facilities as an outcome measure to be evaluated over time.

Instream Flow Protection - *(Contact: Wayne Ives)*

Instream flow protection is included in New Hampshire's water quality standards as well as RSA 483, the Rivers Management and Protection Act. Amid public perception of general water abundance, analysis of withdrawals shows cause for concern, especially during summer periods of high use and low stream flow. For the past two years DES has been working in consultation with the Rivers Management Advisory Committee established under RSA 483 to develop rules that implement our narrative water quality standard and the provisions of RSA 483 for instream flow protection on designated rivers. This has been an arduous and controversial task, with two public hearings and many informal meetings with stakeholders. In federal fiscal year 2002, we are ready to proceed with formal rulemaking and a plan for administration of the program. Our major goal is to adopt rules during federal fiscal year 2002. A secondary goal is to identify funding sources and develop a scope of work for an initial project to conduct a protected instream flow study and develop a water management plan for a selected river.

Methyl Tertiary Butyl Ether (MtBE) - *(Contacts: Fred McGarry, Selina Makofsky, Michael Fitzgerald, Kent Finemore)*

New Hampshire's groundwater and public water supplies continue to be affected by the gasoline oxygenate, MtBE. It is expected that the number of public water supplies with some level of contamination from this compound will remain the same or increase slightly over the next year. Currently, this chemical affects about 13.5% of New Hampshire's public water supplies.

To alert that portion of the public using private wells, in December 2000, the Department instituted a private well testing initiative, urging private well owners to have their water tested for potential contaminants, including MtBE. DES will be using various means to alert the public of the need to

have their wells sampled, including press releases and radio and television public service announcements. This initiative will extend over the next year and it is hoped to reach a large segment of the public that have drinking water wells.

A study of the content of reformulated gasoline distributed within the State, conducted by the Air Division in 2000, found other ethers in gasoline used as oxygenates. As a result, DES now requires all analyses of groundwater and drinking water to include the four ethers now used in gasoline as well as tertiary butyl alcohol, an oxygenate and a degradation product of MtBE. We have also requested the Department of Health and Human Services review toxicological data for these compounds to determine if State maximum contaminant levels should be established for these chemicals. The determination by H&HS of the health risks of exposure to these other oxygenates is expected over the next year.

Legislation passed by the 2001 Legislature established a separate revenue source to remediate MtBE contaminated groundwater and to provide alternate water supplies to individuals and public water systems contaminated by MtBE or other gasoline ethers. This fund would be used whenever the source of the contamination is unknown. The legislation transfers $0.0025 of the $0.015 fee collected on each gallon of gasoline sold in the State to the Gasoline Remediation and Elimination of Ethers Fund. Over the next year, this fund will: provide point-of-entry treatment systems for private water supplies, reimburse a share of water main extensions necessitated by private wells contaminated with MtBE; and replace public water supply sources lost to MtBE contamination.

During this year's legislative session, more proposals to ban MTBE in New Hampshire appeared in the Legislature. Outright bans on RFG and MTBE were dismissed by the General Court in lieu of pursuing federal legislation to relieve States of the oxygenate mandate. However, because RFG tends to have much higher concentrations of MTBE, Governor Shaheen issued Executive Order 2001-02 which instructed DES to opt-out of the federal RFG program. This action was supported by the Legislature through the passage of HB 758. As a result, New Hampshire is pursuing an opt-out of RFG and implementation of an Oxygen Flexibility RFG rule in state to make up emission reductions lost as a result of opting out of the federal RFG program.

Motor Vehicle Salvage Facility (MVSF) Initiative - *(Contact: Pamela Sprague)*

The motor vehicle salvage industry plays a key role in managing a significant volume of solid and hazardous waste, much of it through recycling. In the United States, at least 95 percent of all vehicles scrapped annually are collected by MVSF's for recycling. The vehicles are dismantled, reusable parts are salvaged, and the stripped hulks are sent to scrap metal processors for recycling. Although the environmental benefits associated with a properly managed facility can be significant, a poorly managed facility can seriously impact environmental quality with gasoline, oils, lubricants, transmission fluids, antifreeze and solvents. DES, through the motor vehicle salvage facility initiative, will develop a framework to improve management practices at these facilities; refine the inventory of such facilities in New Hampshire; and train facility operators in best management practices. In combination, these steps will help to protect groundwater and surface water in the state.

OneStop Environmental Reporting and Information Access - *(Contacts: Chris Simmers, Dan Burleigh)*

The department will continue the implementation of this important information management initiative, and will be working closely with EPA Region I-New England to share expertise and to ensure coordination of program-specific activities (e.g. electronic reporting for the RCRA Program. The primary elements of this initiative, and the priority tasks over the next year within each element, are:

Site Identification

- Review, revise plan for matching program databases with the master site table, complete any outstanding matching.

- Review ongoing matching process with data participating programs, modify as appropriate.

- Work with data stewards to develop procedures for adding selected fields (e.g. location, SIC code) to master site table and for adding fields in the program databases that are accessible via the OneStop web site.

- Roll out OneStop Web GIS, provide links to master site table.

Environmental Results

- Complete Phase 1 of Measures Tracking and Reporting System implementation, including first round of quarterly reporting.

- Continue to expand reporting capabilities for internal, external purposes.

- Develop plan for quarterly analysis, presentation of results to Senior Leadership/Leadership Team.

- Arrange for strategic planning/environmental measures training for staff, use first quarter results of reporting as basis for training and beginning of Phase 2 of implementation.

Electronic Reporting

- Complete, evaluate pilots in Oil Remediation, Lab.

- Begin work with Reporting and Information Management Section on Biennial Report.

- Work with Administrative Services on rules for digital signatures.

- Evaluate and track progress of other agencies, other states, EPA, participate in NH e-Government Initiative and National Governors' Association electronic reporting project.

- Inventory program needs, interest across department.

- Establish team to guide implementation, have participating programs work with selected stakeholders.

Permit Coordination/Tracking

- Evaluate and track progress of other agencies (e.g. Fish and Game project), other states, EPA, participate in NH e-Government Initiative.

- Review findings, recommendations from previous Permit Redesign Project.

- Inventory program needs, interest across department.

- Consider proposal to NH Venture Fund based on pilot project for electronic subsurface permitting.

Ozone - *(Contacts: Kent Finemore, Jeff Underhill, Jim Black, Joe Fontaine)*

Insuring that New Hampshire's air quality is meeting the most protective public health standards for ozone continues to be one of the most pressing air quality issues facing the state. New Hampshire experienced 10 exceedances of the 8-hour ozone standard during 2001, which means that ozone concentrations reached unhealthful levels several times this past summer. Significant reductions of NOx (an ozone precursor) from upwind states will be required to reduce ozone levels in New Hampshire. To that end, New Hampshire will continue to be an active participant in regional and national activities related to supporting the revised ozone standard and effectuating meaningful regional and national NOx reductions (i.e., OTC NOx MOU, NOx SIP call, Section 126 petitions, mobile source emission standards and fuels, etc.). New Hampshire will also continue to lead by example by encouraging and in some cases requiring NOx reductions from New Hampshire sources through cost-effective, environmentally superior programs. Public education and outreach on ozone (in cooperation with NH Health and Human Services officials), including but not limited to its public health effects, its precursors and formation, and activities related to air quality action days (e.g., ozone mapping project, AQI, transit provider free ride program), continue to be a high priority for New Hampshire.

Particulate Matter - *(Contacts: Paul Sanborn, Jeff Underhill, Jennifer Galbraith)*

Particulate matter is a term used to describe a broad class of physically and chemically diverse particles in the air. Particulate matter can cause adverse health effects by depositing in the lungs and interfering with the respiratory process. The extent of the health risk depends on the size and concentration of the particulate matter. Particulate matter also contributes to acid rain, regional haze, and nitrification of lakes and ponds.

The particulate matter standard set by EPA was revised in 1997 to include smaller particles (2.5 microns in diameter), know as fine particles, to provide increased public health protection from the adverse health effects associated with inhalation of these smaller particles.

Fine particles result primarily from fuel combustion in motor vehicles, power plants, residential fireplaces, woodstoves, and wildfires. Fine particles can also be formed indirectly in the atmosphere from gases such as sulfur dioxide (acid rain precursor), nitrogen oxides (acid rain and ozone precursors), and volatile organic compounds (ozone precursors). It is estimated that more than half of the fine particulates present in New Hampshire's air are formed from such gases.

Solutions for controlling emissions and atmospheric formation of particulate matter will be needed at the state level, but significant reductions in fine particulate matter will be needed through regional and national strategies. To that end, New Hampshire will continue efforts to support the revised particulate matter standard, push for fair and equitable implementation of the revised standard, and promote state and regional strategies including, but not limited to: 1) conserving energy and promoting renewable energy sources; 2) controlling sulfur dioxide and nitrogen oxide emissions from power plants (e.g., through implementation of the NH Clean Power Strategy); and 3) reducing particulate emissions from diesel trucks and buses (e.g., through smoke opacity testing program, outreach to diesel vehicle owners/operators).

Persistent Bioaccumulative Toxics

Persistent bioaccumulative toxics, or PBTs, are a group of chemicals, generally released into the environment at very low or even non-detectable levels, that cause serious health and environmental effects. PBTs break down very slowly in the environment allowing their concentrations to build up in soils, sediments and plants. They bioaccumulate in animal and fish tissue mostly through diet, and increase in concentration as they move up the food chain to people. Exposure to these chemicals can cause numerous harmful health effects in plants, birds, mammals and humans, including reproductive and developmental disorders, suppression of the immune system, and cancer.

PBTs include a variety of chemicals such as mercury, dioxin, metals, and a number of pesticides and other organic chemicals. New Hampshire identified mercury and dioxin as serious PBTs and launched detailed strategies in 1998 and 2001 respectively to reduce mercury and dioxin emissions in New Hampshire. Implementation of these strategies is well underway as described below. The role of the *New Hampshire Mercury Reduction Task Force* (a stakeholder workgroup created as part of the *New Hampshire Mercury Reduction Strategy*) has been expanded to include dioxin and other PBTs. In conjunction with the work of the Task Force, New Hampshire continues to evaluate and assess other PBTs and will prioritize and take action on those identified as being most serious.

Mercury Reduction Strategy - ***(Contacts: Carolyn Russell, Stephanie D'Agostino, Tom Niejadlik)***

Approximately 98% of the mercury emitted in New Hampshire enters the environment through air borne emissions from waste incinerators and the burning of coal. Mercury deposition in the Northeast is occurring at a higher rate than most other regions of the country, due to its geographic location. Mercury deposited on the ground is washed into rivers and streams, accumulates in plants and is consumed by fish. Because mercury has numerous adverse human health effects, and accumulates in the food chain, NH and 39 other states have issued health advisories on the consumption of freshwater fish. In addition, fish-eating wildlife such as loons, otter and mink are also adversely affected by mercury pollution.

To address these concerns, the *NH Mercury Reduction Strategy* was drafted by DES and released by Governor Shaheen in October 1998. The Strategy contains 40 recommended actions for reducing man-made releases of mercury to the environment and contains a goal of 50% reduction in mercury emissions by 2003, with an overall goal of the virtual elimination of anthropogenic mercury releases. The recommendations address issues ranging from air emissions reduction from various sources to increased source reduction and recycling efforts. New Hampshire has a number of ongoing programs and projects to address mercury reduction, as well as sampling and monitoring efforts to measure environmental impacts of mercury contamination. Activities that DES is focusing on this year include legislative efforts to reduce mercury in consumer and commercial products and outreach to users of mercury and mercury devices such as hospitals and dentists. In addition, the Department is actively involved in the implementation of the New England Governors and Eastern Canadian Premiers Mercury Action Plan, which is a regional and bi-national effort to virtually eliminate anthropogenic mercury releases.

Dioxin Reduction Strategy - ***(Contacts: Rick Rumba, Ken Colburn)***

The New Hampshire Department of Environmental Services (DES) initiated the *New Hampshire Dioxin Reduction Strategy* to substantially reduce dioxin contamination in New Hampshire's environment. The term "dioxin" refers to a group of highly toxic compounds that share certain similar chemical characteristics, and common mechanisms of toxicity. Dioxin is primarily created as an unintended by-product of incomplete combustion. It is a potent animal toxicant with the potential to produce a broad range of adverse effects in humans including reproductive effects, developmental effects, suppression of the immune system and cancer. New scientific information now confirms that dioxin is a *known human carcinogen*.

State and federal regulatory programs to reduce dioxin emissions from several large source categories have been in place for several years and much progress has already been made. But dioxin is still being produced at levels of concern and is accumulating in our environment. As a result, the *Strategy* was developed in order to identify the major sources of dioxin and recommend actions to substantially reduce dioxin exposure in New Hampshire. The *Strategy* found that five major source categories are responsible for over 80% of dioxin emissions to the environment in New Hampshire. These five sources include not only industries, but also many activities that we as individuals conduct everyday, such as disposing of wastes, driving cars or trucks, and heating our homes. The *Strategy* makes over 50 recommendations to reduce dioxin from New Hampshire sources. It recommended prompt action from two source categories, backyard trash burning and medical waste incineration. During the past year, these two source categories have been substantially addressed through strict new emissions limitations on medical waste incinerators and legislation to ban the practice of backyard trash burning. These two actions alone will reduce dioxin emissions in the state by almost 50% by January 1, 2003.

Other recommendations in the *Strategy* focus on source reductions primarily through pollution prevention, public education, energy efficiency and conservation, and are expected to result in further substantial reductions in dioxin exposure for New Hampshire citizens as they are implemented.

Public Beach Program - (*Contact: Jody Connor)*

DES has operated and managed a Public Beach Inspection Program for over 20 years. DES personnel inspect each of the documented public fresh and coastal beaches within the state. Each coastal beach is inspected on a weekly basis during the designated swim season, from mid-June, through Labor Day. The state adopted the EPA water quality criteria for public bathing beaches in 1991 (e. coli for fresh water and enterococci for salt water), and DES has a beach advisory notification system that alerts the appropriate officials if a public beach fails to meet the state standard, resulting in beach posting or closure. Public beaches are not de-listed from the official advisory until they have been re-sampled and found to meet the bacterial standards. DES beach inspections also include checks for swimmer safety items and potential pollution sources. A 2000 Natural Resources Defense Council (NRDC) report designated New Hampshire's Public Beach Inspection Program as one of five programs nationwide that successfully monitors public beaches and issues advisories to the public when the waters do not meet the water quality standards.

For 2002, DES will take full advantage of EPA funding and initiatives to enhance state coastal beach programs. The primary focus for the 2002 season involves the accomplishment of several tasks:

- Expand the current sampling program to determine future sampling protocols.
- Establish a wet-weather sampling program to determine the extent and source of watershed pollutants to beaches.
- Define data quality objectives, prepare a quality assurance project plan and standard operating procedures to clarify state objectives, define appropriate type of data and specify tolerable levels of potential decision errors that will be used as a basis for establishing the quality and quantity of data needed to support decisions.
- Enhance the current public advisory notification system throughout the state.
- Establish a BEACH database that will be consistent with the EPA beach quality database. The objective will improve data transfer to EPA and enhance public education through web sites.

Pulp and Paper of America - *(Contact: Philip O'Brien - Project Lead)*

Since American Tissue, Inc., (parent company of Pulp and Paper of America), filed for Chapter 11 bankruptcy protection in a Delaware bankruptcy court on September 10, 2001, DES staff have been working very closely with mill management and staff, the Governor's Office, Berlin and Gorham officials, and other state agencies including the Department of Resources and Economic Development and the Department of Safety, to ensure that the two mills are protected prior to the onset of winter. Proper winterizing is essential to preventing damage to the plants' assets and avoiding potentially significant environmental and public health impacts. The one million plus gallons of hazardous chemicals and flammable fuels currently stored on-site (e.g., sulfuric acid, sodium hydroxide solution, pulping liquors used to convert wood chips into pulp, and propane) pose substantial risks to the Androscoggin River. DES staff will continue to devote significant time to the Pulp and Paper of America issue until the two mills are sufficiently secured for winter.

Security and Preparedness - *Contacts: Tony Giunta, James Gallagher, Michael Guluszka)*

Like many other state agencies around the country, the New Hampshire Department of Environmental (DES) has been affected by, and is responding to, the tragic events of September 11, 2001. While the threat of terrorism in the State has been assessed as low for most New Hampshire facilities, the Department has taken a proactive stance with a heightened sense of awareness across DES, a review of all pertinent DES procedures, active participation in the New Hampshire Anti-Terrorism Task Force and the Governor's Commission on Security and Preparedness, and an external call for tighter security and preparedness for the State's many public drinking water suppliers, wastewater treatment facilities, and dams.

For example, DES recently distributed guidelines to the water system operators of approximately 700 public water suppliers urging them to limit access to water supply reservoirs and to closely monitor raw water quality and conditions, including signs of fish kills, unusual color and increased chlorine demand. An additional mailing to approximately 1500 groundwater supplies is planned for the week of October 22 and will focus on making cost effective structural changes to wells, pump stations and small storage tanks. DES is also providing base line guidance documents, on the internet, for developing or updating emergency plans and is currently gearing up to offer full day training seminars to help water system personnel to identify and correct any weaknesses in their physical facilities and operational procedures.

Also, the DES Dam Bureau has been keeping a close eye on the State's 277 high and significant hazard (out of a total inventory of 3,258) water control structures and has been carefully balancing the issues of necessary public information and protecting public interests. This short list of dams include those structures that would threaten lives or cause significant damage to roads and property should they fail. Over the last five years, significant progress has been made on developing required Emergency Action Plans for the high and significant hazard dams. Currently, plans have been completed for approximately 95% of the dams. The remaining plans are being drafted by the dam owners, and efforts will be stepped up to have them completed. The Dam Bureau is also evaluating the need to increase surveillance and limit public access at the 64 high and significant hazard dams that DES owns and operates, and is conducting an outreach campaign to all owners of high and significant hazard dams in the State, urging them to do the same.

DES hazardous materials teams have been working with the Department of Health and Human Services, the New Hampshire Fire Marshal's Office, the Office of Emergency Management, and others to develop protocols and guidelines for responding to, and cleaning up, biological and chemical terrorism incidents and sites. In addition to actually responding to such incidents, DES hazardous materials team members have been providing technical assistance to cleanup contractors and other local and state agencies.

Shellfish Program - (*Contact: Chris Nash)*

Pursuant to the authority granted by the NH Legislature in 1999, the New Hampshire Department of Environmental Services (NHDES) is responsible for classifying shellfish growing waters in the State of New Hampshire. The purpose of conducting shellfish water classifications is to determine if

growing waters are safe for human consumption of molluscan shellfish, and NHDES has maintained a two-person classification program within the Watershed Management Bureau since late 1999. Utilizing guidelines and standards of the National Shellfish Sanitation Program (NSSP), the Shellfish Program is engaged in several activities to ensure the protection of public health relative to consumption of NH shellfish. Regular monitoring of shellfish growing waters for bacteria, Paralytic Shellfish Poisoning toxin, and other parameters is an ongoing part of the program. NHDES is in the midst of a five-year program to classify all growing waters by 2005, and work in federal fiscal year 2002 will include completion of sanitary surveys for Little Harbor/Back Channel, Hampton/Seabrook Harbor, and Great Bay/Little Bay. Additionally, sanitary surveys will be initiated for the Bellamy River and the Piscataqua River. These sanitary surveys not only provide updated information on water quality in the growing areas, but also generate a list of pollution sources that can then be targeted for water quality restoration efforts. In the previous year, NHDES requested a review of its classification program by the U.S. Food and Drug Administration for compliance with the National Shellfish Sanitation Program. NHDES also drafted interagency Memoranda of Agreement that outline responsibilities for implementing the NSSP in the state. FDA approval of these elements, expected in the coming year, will pave the way for commercial shellfish harvesting and/or aquaculture in the state.

Site Remediation - *(Contacts: Fred McGarry, Carl Baxter)*

Since the beginning of the federal Superfund Program in 1980, approximately 44 releases to groundwater and 100,000 potential human exposures have been controlled. Out of the approximately 2,100 acres that comprise the Superfund sites, about 410 acres need no further cleanup other than long-term monitoring. Of the approximately 670 non-Superfund hazardous waste sites, about 350 have been resolved since the start of the program in the early 1980's. DES will continue to work closely with EPA-New England to pursue new technologies, administrative procedures, and all federal Brownfields initiatives that may aid in expediting site remediation and economic revitalization.

The Department is proceeding with a pilot program using "Pay for Performance" to encourage site owners to establish contracts with remediation consultants and contractors, providing payment for the actual removal of contaminants from contaminated sites. The program allows the cleanup contractor the maximum latitude in utilizing remediation technologies. This program is expected to have the effect of lowering the average cleanup cost per site.

DES also has an ongoing program that seeks to identify UST fields and petroleum contaminated sites that need assistance. Our goal is to identify and address all sites of this type in the State. For example, in the City of Berlin, two former gas stations are known to have contamination issues. Neither of these facilities has initiated site investigation or remedial activities due to lack of financial resources. Both sites are one year behind in back taxes. In these cases, DES will also work closely with EPA's USTFields program to initiate cleanup. DES will leverage federal grants to trigger coverage from the State UST financial assurance fund. Once the fund is triggered, the City will likely take the property for back taxes and proceed with the cleanup using the Petroleum Reimbursement Fund. Federal grants and EPA technical assistance are an essential element of our strategy for achieving this goal.

Solid Waste Management Plan - *(Sharon Yergeau, Christopher Way)*

The Solid Waste Plan is a comprehensive document that details goals and strategies to provide direction for the State in the planning for management of solid waste generated and disposed of in New Hampshire. The Plan will contain strategies for 1) significantly increasing source reduction and recycling rates; 2) reducing toxicity of the waste stream; 3) assuring adequate solid waste disposal capacity for the state; and 4) assuring that solid waste management activities are conducted in a safe, environmentally sound manner. It will also describe issues relating to and the current status of solid waste management in New Hampshire, including composition, generation, management, recycling, composting, operator certification and training, and consolidation of the waste hauling and disposal industries.

Sprawl/Smart Growth – *(Contact: Carolyn Russell)*

Addressing sprawl and supporting smart growth continue to be priorities for DES. In the last few years, the Governor and the Legislature have made supporting smart growth a priority for New Hampshire. In 2000, new legislation was passed directing state agencies to review their operating procedures, granting policies, and regulatory frameworks to ensure they encourage smart growth and requiring state agencies to coordinate efforts to provide support to communities in dealing with growth issues. Additionally, smart growth and other practices that minimize the impact of development on environmental quality support DES' mission "to protect, maintain, and enhance environmental quality and public health in New Hampshire." Recently, DES launched an internal education effort to increase the level of awareness and understanding of sprawl and smart growth issues among DES staff. DES also established a new Sprawl/Smart Growth Team to identify priority actions for DES to undertake to reduce sprawl and support smart growth. The Sprawl/Smart Growth Team will also assist in identifying appropriate staff to support several community outreach efforts underway in conjunction with the Office of State Planning, the Department of Transportation, and other organizations. In the next year, DES' smart growth efforts will focus on completing the internal education program, working with the Sprawl/Smart Growth Team to identify priority actions to reduce sprawl and support smart growth, and actively supporting various community outreach projects by providing appropriate education and technical assistance.

Upgrade of New Hampshire's Ambient Air Monitoring Network - *(Contact: Kent Finemore)*

DES is working to upgrade its ambient air monitoring network, including purchase and installation of state-of-the-art data loggers and other air monitoring equipment, to facilitate greater automation of the system and more reliable reporting and collection of data. In addition to providing new monitoring and sampling equipment for continuous monitoring and speciation for PM2.5, DES is establishing more modern calibration and audit procedures using state-of-the-art electronic equipment.

Water Conservation Initiatives - *(Contacts: Brandon Kernen)*

The demand for water to meet the needs of New Hampshire's citizens, businesses, industries, agricultural enterprises and all other beneficial purposes continues to increase as the State's population and economy expands. Increased water demands place additional burdens on the State's water resources and on the State's water-dependent natural resources. Currently, state regulations require that a conservation plan be developed for water uses associated with all new large groundwater withdrawals. The State has also recently evaluated its existing statutes, regulations, and policies pertaining to water resources management in a report that submitted to the State Legislature and the Governor to determine how New Hampshire can further encourage and enable water users to implement water conservation measures. The strategy for the New Hampshire's Water Conservation Program is to act upon the recommendations in the report which include: 1) Establishing a formal State policy on water conservation for all operations and programs that affect the planning use and management of the state's water resources; 2) Developing and promoting a model water use restriction bylaw for local municipalities to adopt and enforce to reduce wasteful uses of water; 3) Expanding upon the existing public outreach initiatives including developing public service announcements and a series of fact sheets that educate the public and businesses on how to incorporate water conservation practices into their daily activities; and 4) Working with the New Hampshire Public Utility Commission to encourage the development of incentives for rate regulated for-profit water utilities to promote water conservation measures

Water Quality Assessment [305(b) report and 303(d) list] and Analysis [TMDLs] - (*Contact Person: Gregg Comstock)*

Informed action at the watershed level to restore and protect designated uses of waterbodies requires water quality monitoring and assessment coordinated with implementation of restoration and protection projects. The classic Clean Water Act process for this includes a statewide water quality monitoring program to produce data that is assessed in a structured process to produce a "305(b)" water quality report, and a "303(d)" listing of impaired waterbodies. Total Maximum Daily Load studies are then performed on impaired waterbodies, identifying specific causes of impairment that are then eliminated through restoration projects that may include both point sources (NPDES permittees) and nonpoint sources.

Continuing a process begun in 1999, DES is working to develop an enhanced assessment and listing process, based on publicly-available, quality-controlled data, coordinated with a broadly-defined TMDL process that supports both NDPES and nonpoint source programs. We are working on:

- A revised, quantitative assessment methodology that uses valid data from all sources, the results of which are documented in EPA's Assessment Database (ADB).
- A TMDL program that meets critical NPDES permit issuance needs while transitioning to non-traditional TMDL studies to support nonpoint source restoration decision.
- A methodology to recognize existing watershed restoration action strategies and documented impairments in the context of new 319 incremental funding guidance that requires implementation of TMDLs.

- A comprehensive, statewide water quality data management system to support 305(b) assessment and 303(d) listing decisions as well as TMDLs, based on STORET.

Because an assessment methodology is the foundation for identifying water quality problems, this is our highest priority for federal fiscal year 2002. Our goal is to have a revised methodology developed in time to use it for the federal fiscal year 2002 sampling season and our next 303(d) listing of impaired waters in October 2002. We will then be able to integrate evaluation of nonpoint source impairments identified through the Unified Watershed Assessment process into our new assessment and listing methodology.

In preparing our federal fiscal year 2002 work plan, we have identified a critical staff shortage such that we will be unable to simultaneously revise the assessment and listing methodology, produce the 2002 305(b) report and 303(d) list, implement STORET and ADB databases, continue progress on TMDL studies for NPDES permits, and begin new, non-traditional TMDLs for nonpoint sources (as required by new 319 program guidance). Resolving these workload issues with EPA is a goal for federal fiscal year 2002.

In federal fiscal year 2002, we will complete a STORET-compatible database for the Shellfish Program, continue discussions with other organizations and agencies toward STORET-compatible data documentation, including metadata, and develop a business plan for the DES water quality database system.

Water Resources Management and Dam Safety - *(Contacts: James Gallagher)*

The goal of DES is to ensure that all dams and related properties in New Hampshire are constructed, maintained and operated in a safe and environmentally sound manner. This will be accomplished through repair and re-construction of state-owned dams inspections; compliance enforcement and permitting of private and municipally-owned dams; and public education and outreach. Also, it is the Department's priority to ensure that lake levels, stream flows, and the State's surface and groundwater resources are used efficiently and managed to protect environmental quality, enhance public safety and flood protection, and to support and balance a variety of social and ecological needs.

The Water Division's Dam Bureau is responsible for the implementation of dam-related programs through the regulation, operation, maintenance, and construction of dams across New Hampshire. Historically, these programs have been focused principally on the dam safety concerns for the private-owned and publicly-owned dams. We plan to have a greater focus on improving the management of the 113 DES-operated dams, related water resources, and properties to not only ensure public safety, but also improve public access where appropriate and provide greater consideration of overall water resource and environmental issues in the management of these facilities.

Watershed Management – (*Contact: Eric Williams)*

Our watershed management goal is to link people and water resources through science, planning, and education to achieve clean water goals, watershed by watershed. For federal fiscal year 2002, we will continue to focus watershed restoration efforts on the Coastal and Merrimack watersheds

identified as Category I in our Unified Watershed Assessment. Watershed investigations will continue in coastal communities, following up on illicit discharge surveys to isolate and eliminate pollution sources in urban storm drain systems. In federal fiscal year 2002 we will develop an investigative methodology for the Merrimack watershed to identify NPS pollution sources and address impairments through the NPS restoration program.

A major goal this year, dictated by recent EPA guidelines for 319 incremental funding, is to develop a method for matching existing watershed restoration action strategies with the TMDL provisions of the guidance in order to continue funding valuable watershed restoration projects. Over the long-term, we need to fully integrate the identification and prioritization of nonpoint source restoration needs with our assessment and listing process for impaired waters (see the Water Quality Assessment and Analysis priority).

As a result of strategic planning completed last year, we will be convening a workgroup in federal fiscal year 2002 comprised of DES staff and other stakeholders to define and document our watershed approach. For many New Hampshire watersheds, protection of high water quality and important watershed attributes is of equal or greater importance than identification and restoration of impaired waters. Protecting threatened waters must be reconciled with the new 319 incremental funding guidance.

Wetlands Program Initiatives - *(Contact: Ken Kettenring)*

The Wetlands Bureau has been increasing staff and other resources in both the permitting and enforcement sections to help reduce the backlogs in those areas. Efforts to reduce delays in permitting and response to violations will continue. DES will also work closely with the Wetlands Council and stakeholders to identify administrative rules that are in need of updating or modification. One specific rules initiative is continued efforts to establish wetlands mitigation criteria by rule. Draft rules have been presented to the Wetlands Council, and the Department is continuing to work with stakeholders on them. The Bureau has created a new part-time mitigation and assessment manager position, which will focus on assuring mitigation compliance, and evaluation of available methodologies for assessing both wetland quality and mitigation success. Once mitigation rules are in place, the Bureau will actively pursue follow-up of a wetland banking feasibility study that has just been completed under the pass-through grant program.

Performance Partnership Agreement
for Fiscal Year 2002

Section V

DES Comprehensive Action and Assessment Plan

V. DES Comprehensive Action and Assessment Plan

Introduction

Taken together, the tables to follow form the Department's in-depth workplan - its Comprehensive Action and Assessment Plan - for federal fiscal year 2002, and covers the time period October 1, 2001 through September 30, 2002. The title of this section connotes the emphasis on the work (action) DES will accomplish over the next year, as well as the Department's commitment to on-going evaluation (assessment) of this work. For the latter purpose, DES will rely upon the newly implemented Measures Tracking and Reporting System (the MTRS) to report progress in the areas of program performance and environmental conditions and trends to EPA New England and the public. One of the Focal Points of Cooperation for federal fiscal year 2002 relates to Environmental Measures, and DES is a committed to achieving significant progress in this area over the next year.

It is through the work outlined in this section that DES hopes to carry out its mission and meet its six primary environmental protection goals (i.e., 1-Clean Air; 2-Clean Water; 3-Safe Drinking Water; 4-Proper Waste Management and Effective Site Remediation; 5- Habitat Protection; and 6-Dam Safety and Water Management) and its six cross-cutting/department-wide goals (i.e., 7-Risk Management and Reduction; 8-Pollution Prevention; 9-Public Education and Outreach; 10-Compliance Assurance; 11-Information Management; and 12-Effective Management and Leadership).

Section II-D of this Agreement previously provided information regarding the format and content of the many DES program tables, and explained how these tables were generated directly by the MTRS system. Through the use of the MTRS's streamlined reporting features, the Comprehensive Action and Assessment Plan can be created in a matter of minutes and converted directly into electronic format. An electronic version of the Agreement is located on DES's website in .pdf format, and can be accessed by clicking on the following URL: http://www.des.state.nh.us. To locate a specific program, activity, deliverable, or contact person, please use the DES website's main search engine function or the "find" feature of the Adobe Acrobat Reader software.

View Tables

Performance Partnership Agreement
for Fiscal Year 2002

Execution of Agreement Between NH DES and EPA New England

EXECUTION OF THE AGREEMENT

This document is the federal fiscal year 2002 Performance Partnership Agreement between the New Hampshire Department of Environmental Services and the Environmental Protection Agency New England. This Agreement is consistent with the principles embodied in the May 17, 1995 Agreement between the Environmental Protection Agency and the Environmental Council of the States regarding a joint commitment to reform oversight and create a National Environmental Performance Partnership System.

The Agreement covers federal fiscal year 2002 (from October 1, 2001 to September 30, 2002). The Agreement will be reviewed and modified as necessary during federal fiscal year 2002.

The undersigned parties execute this Performance Partnership Agreement for federal fiscal year 2002 between the New Hampshire Department of Environmental Services and the Environmental Protection Agency New England on this, the 16 day of January, 2002.

George Dana Bisbee
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